

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CASE NO.: 10-20082

HON. DAVID M. LAWSON

D-1 JAMES FRAZEE,

Defendant.

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GOVERNMENT’S SENTENCING MEMORANDUM

On December 14, 2009, a federal search warrant was executed in Memphis, Tennessee by the Federal Bureau of Investigation (hereafter, “FBI”). The Memphis residence was targeted after it appeared child pornography had been distributed from a computer inside that home. During the search, federal agents recovered a laptop computer that contained several images of child pornography. Several of those photographs depicted the same minor child with text that read, “c*****-m*****.” Some of the images of that minor depicted her being penetrated anally and vaginally with a dildo.

On January 5, 2010, an undercover FBI agent traced the website associated with the text contained within the pornographic images. Thereafter, the agent accessed the website and requested instructions on how to become a member. On January 11, 2010, the undercover agent received an e-mail from the Defendant which directed him to send \$100.00 via Western Union in exchange for an eight month membership. On January 19,

2010, the minor child depicted in the photographs was identified by the Monroe County Sheriff's Department. Further investigation revealed that the minor child was residing with her mother and Defendant Frazee.

On January 22, 2010, federal agents executed a search warrant at the Defendant's home. During the search, agents recovered a computer, digital camera, CD's and thumb drive. A forensic review of the Defendant's computer revealed several images of the victim dressed in provocative clothing from Lover's Lane. The victim's age in the photos ranged from eight to fifteen years. Law enforcement seized the provocative outfits worn by the minor as well as thigh-high pantyhose, six-inch heels and garter belts.

Defendant Frazee was interviewed during the search of the residence. There, he confessed that he produced, uploaded and distributed images of the victim from a website that he created. The Defendant admitted that he told the victim to insert a dildo into her vagina and anus. Further, he said that taught the minor victim how to pose in sexually suggestive ways. Frazee later acknowledged that he charged a membership fee of \$25.00 for access to the victim's pictures. Accordingly, the above named defendant was charged with sexual exploitation of a minor, in violation of Title 18, United States Code, Section 2251(a). The indictment was filed on February 18, 2010. Defendant Frazee entered a guilty plea to the indictment on April 6, 2010. Sentencing is scheduled for August 9, 2010.

Defendant Frazee has a history of sexually abusing minors. In fact, he was convicted in 1990 of two counts of criminal sexual conduct. There, the Defendant raped his own biological daughters. The Defendant's children were under the age of 13 at the

time those offenses took place. The Defendant was incarcerated for his sex crimes and he received sex offender therapy while jailed. However, it does not appear that he learned anything from treatment. The Defendant's pattern of sexual abuse continued as evidenced by the instant offense. Once more, he sexually assaulted a child living under his roof.

Due to the Defendant's pernicious behavior, a young girl was unable to enjoy her childhood. The Defendant stole her innocence and forced her into deviant, sexual behavior. The Defendant took advantage of the minor victim for his pleasure and for financial gain. To add insult to injury, the Defendant memorialized the abuse and distributed her images over the internet. As a result, the victim will forever live with the knowledge that her pictures have been passed on for others to view. Sadly, the pictures documenting her abuse will likely circulate over the internet for decades to come. In light of the Defendant's history and the instant offense, a mandatory life sentence is required by statute. *See 18 U.S.C. 3559(e).*

BARBARA L. McQUADE
United States Attorney

s/Jeanine Jones
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Phone: 313-226-9597
E-Mail: jeanine.m.jones@usdoj.gov
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Dated: August 2, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2010, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Lisa Dwyer, Esq.

BARBARA L. McQUADE
United States Attorney

s/Jeanine Jones
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Phone: 313-226-9597
E-Mail: jeanine.m.jones@usdoj.gov
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